

Zoning Text Amendment No: 03-24  
Concerning: MPDU-Height limits in certain  
zones  
Draft No. & Date: 1 – 7/28/03  
Introduced: July 29, 2003  
Public Hearing: 9/9/03; 7:30 p.m.  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmembers Floreen and Subin

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- authorizing an increase in residential building height in certain zones to accommodate the construction of MPDUs

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-6	“CENTRAL BUSINESS DISTRICT ZONES”
Section 59-C-6.23	“Development standards”
Add new section	
59-C-6.2355	“Special height standard for optional method projects involving MPDUs”
DIVISION 59-C-7	“PLANNED UNIT DEVELOPMENT ZONES”
Section 59-C-7.1	“P-D zone--planned development zone”
Section 59-C-7.15	“Compatibility”

**EXPLANATION:** **Boldface** indicates a heading or a defined term.

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

\* \* \* indicates existing law unaffected by the text amendment.

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1           **Sec. 1. Division 59-C-6 is amended as follows:**

2   **DIVISION 59-C-6.           CENTRAL BUSINESS DISTRICT ZONES.**

3   \*   \*   \*

4   **59-C-6.23. Development standards.**

5   \*   \*   \*

6   **59-C-6.2355.**           Special height standard for optional method projects involving  
7                                   MPDUs.

8   Notwithstanding any building height limit in this Chapter or any master or sector  
9   plan, the Planning Board during site plan review may approve an increased  
10   residential building height in any CBD zone to the extent necessary to  
11   accommodate the construction of MPDUs.

12           **Sec. 2. Division 59-C-7 is amended as follows:**

13   **DIVISION 59-C-7.           PLANNED UNIT DEVELOPMENT ZONES.**

14   \*   \*   \*

15   **59-C-7.1.   P-D ZONE—Planned development zone.**

16   \*   \*   \*

17   **59-C-7.15   Compatibility.**

18   \*   \*   \*

19   (b)   In order to assist in accomplishing compatibility for sites that are not within,  
20           or in close proximity to a central business district or transit station  
21           development area, the following requirements apply where a planned  
22           development zone adjoins land for which the area master plan recommends a  
23           one-family detached zone:

24           (1)   No building other than a one-family detached residence can be  
25                   constructed within 100 feet of such adjoining land; and

26           (2)   No building can be constructed to a height greater than its distance  
27                   from such adjoining land.

(d) A waiver of [the provisions of] subsection (b) [above] may be permitted where the site is within or in close proximity to a central business district or transit station development area and reduced setbacks are recommended by the master or sector plan, and the Planning Board finds that the reduced setbacks are compatible with existing or proposed development in the adjoining or confronting one-family detached zones. The maximum building height under [the] this waiver must not exceed 50 feet. However, the Board in its site plan review may approve an increase over the maximum height limit of any residential building under subsection (b), or as shown in any sector or master plan, to the extent necessary to accommodate the construction of MPDUs.

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**Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

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Mary A. Edgar, CMC  
Clerk of the Council